REMARKS

Claims 21-36 presently appear in this case. The present communication is intended to supplement applicant's amendment of December 8, 2000. In the Advisory Action of January 5, 2001, the examiner stated that the amendment of December 8, 2000, would not be entered because it raised the issue of new matter. It is respectfully requested that the refusal to enter this amendment be reconsidered in view of the present supplemental amendment. Applicant's amendment of December 8, 2000, as supplemented hereby, does not raise the issue of new matter and places the case into condition for allowance. Accordingly, reconsideration and entry of the amendment of December 8, 2000, as well as the present supplemental amendment, and reconsideration and withdrawal of the rejections of record and passage of this case to issue is therefore respectfully urged.

The interview between Examiner Goldberg and the undersigned attorney on February 7, 2001, is hereby gratefully acknowledged. In this interview, the language of claim 36 objected to by the examiner was discussed as was a proposed amendment thereto. The examiner agreed that if this proposed amendment were submitted, it would place claim 36 into condition for allowance. As all of the remaining claims

depend ultimately from claim 36, all of the claims now present in the case should now be in condition for allowance.

In the Advisory Action of January 5, 2001, the examiner stated that no basis is seen for the term "provided that when the viral infection is a rhinoviral infection, the interferon is not administered through the mouth by multiple or continuous doses" in new claim 36. Claim 36 has now been amended to delete the negative and to recite the same subject matter in positive language. Thus, the phrase in question now reads:

> provided that when the viral infection is a rhinoviral infection, the interferon is administered in a single dose or is administered intranasally by multiple or continuous doses.

As discussed in the remarks of applicant's amendment of December 8, 2000, the Eby reference of record (although not applied in a rejection) discloses administration of interferon for the treatment of rhinoviral infection but only through the mouth in multiple or continuous dosages. Eby teaches that the procedure will fail if administered to the interior of the nose or if administered in any manner in a single dose. Accordingly, the language now submitted defines over the Eby procedure and is supported by the present specification for example at page 12, lines 11-25.

As explained in applicant's amendment of December 8, 2000, and as further explained in the interview, claim 36 fully defines over the Hayden reference of record because Hayden discloses only prophylaxis of viral infections and not the treatment of viral infections. As pointed out at page 6 of applicant's amendment of December 8, 2000, Hayden et al, "Intranasal recombinant alfa-2B interferon treatment of naturally occurring common colds", Antimicrobial Agents and Chemotherapy, 32(2):224-230 (1988) states:

> Nasal sprays of recombinant alfa-2B interferon were not an effective treatment for natural colds and were associated with toxicity.

Accordingly, claim 36 defines over both Hayden publications and over Eby, does not present new matter, and therefore should be in condition for allowance. Examiner Goldberg stated in the interview of February 7, 2001, that if claim 36 were amended as indicated, claim 36 would be allowed. Accordingly, reconsideration and withdrawal of the rejection of record in the final rejection of September 8, 2000, entry of applicant's amendment of December 8, 2000, as supplemented by the present supplemental amendment, and passage of this case to issue are therefore earnestly solicited.

Applicant again requests that the examiner officially cite of record on a form PTO-892 the Hayden 1988 reference quoted hereinabove, a copy of which was attached to

applicant's amendment of December 8, 2000. At the interview, Examiner Goldberg agreed to officially cite of record this reference.

Respectfully submitted,

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Version with Markings to Show Changes Made

36 (Amended). A method for treating a viral infection, which method comprises administering to the mammal having such a viral infection an effective amount of an interferon via oromucosal contact, said amount being in excess of a dose of the same interferon which induces a pathological response when parenterally administered, said oromucosal administration being in a manner which does not involve direct action of the interferon on virally infected cells and provided that when the viral infection is a rhinoviral infection, the interferon is ~~not~~ administered in a single dose or is administered intranasally~~through the mouth~~ by multiple or continuous doses.